

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**JASON L. ARNOLD,
NASH HAMMOND and
KYLE J. KRUGER,**

Defendants.

8:11CR294

ORDER

This matter is before the court on the motion to continue by defendant Nash Hammond ([Filing No. 40](#)). Hammond seeks a continuance of the trial scheduled for November 7, 2011. The court held a telephone conference with counsel on November 3, 2011. It was represented that each of the three defendants and counsel for the government agreed to motion for a continuance. It was represented that each of the defendants would be filing an affidavit wherein they agreed to the continuance and understood the additional time would be excluded under the Speedy Trial Act. Upon consideration, the motion will be granted as to all defendants.

IT IS ORDERED:

1. Hammond's motion to continue trial ([Filing No. 40](#)) is granted.
2. Trial of this matter **as to all defendants** is re-scheduled for **January 9, 2012**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of granting the motion, i.e., the time between **November 3, 2011, and January 9, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 3rd day of November, 2011.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge